



PATENT

Attorney Docket No. UDL-004D2
(9424/6)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):	Horvath <i>et al.</i>	CONFIRMATION NO.:	Not available
SERIAL NO.:	10/705,446	GROUP NO.:	Not yet assigned
FILING DATE:	November 10, 2003	EXAMINER	Not yet assigned
TITLE:	CERTAIN ALKYLENE DIAMINE-SUBSTITUTED HETEROCYCLES		

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION AND RESPONSE TO NOTICE TO COMPLYOmitted Page

The Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed on May 13, 2004, states that page 104 of the specification appears to have been omitted from the application. Applicants note that this Petition and Response, along with the requisite fee under 37 C.F.R. §1.17(h), is filed within two months of the mailing date of the Notice.

Applicants assert that page 104 was filed with the application on November 10, 2003. Applicants enclose a copy of the return receipt postcard stamped by the U.S. Patent and Trademark Office and dated by the Patent Office as November 10, 2003, indicating receipt of all of the itemized enclosures that were filed on November 10, 2003. In particular, the PTO-stamped return receipt postcard indicates that 104 pages of the specification were filed with the application. Accordingly, the Patent Office already has acknowledged receipt of all pages of the specification, including page 104. For the convenience of the Patent Office, Applicants enclose a copy of page 104 to complete the Office's file and understand that page 104 will be considered to be filed as of November 10, 2003.

Insofar as the PTO-stamped return receipt postcard is *prima facie* evidence that page 104 of the above-identified was received by the Patent Office on November 10, 2003, Applicants believe they have provided sufficient evidence that page 104 was deposited with

the nonprovisional application papers on November 10, 2003. In particular, Applicants note that, according to MPEP § 513, the requirements of MPEP § 503 apply where there is a dispute as to the contents of the correspondence submitted to the Patent Office. In the present case, Applicants note that the postcard correctly and adequately itemizes the contents of the submission, indicates the Applicants' names, filing date, title of invention, and attorney docket number, and is stamped by the Patent Office without indicating that any item was omitted. Should the Patent Office require anything further, Applicants' undersigned representative invites the Patent Office to contact him.

Notwithstanding Applicants assertion that page 104 was filed with the application, Applicants note that page 104 is blank, with the exception of the page number "-104-" located at the bottom of the page, and, thus, no subject matter could have been omitted from the application.

Sequence Listing

Applicants also respond to the requirement for a statement that the content of the sequence listing in computer readable form and on paper are the same and for the submission of a sequence listing in computer readable form. Accordingly, Applicants provide a new paper copy and computer readable copy, along with the requisite statements and with an instruction to replace the sequence listing on file with the sequence listing enclosed herewith.

Dated: July 2, 2004

Reg. No. 45,508
Tel. No. (617) 248-7226
Fax No. (617) 248-7100

Respectfully submitted,



Daniel A. Wilson
Attorney for Applicants
Testa, Hurwitz, & Thibeault, LLP
125 High Street
Boston, Massachusetts 02110



COPY

U 014881-6

November 10, 2003

IN RE: RAYMOND F. HORVATH, et al

FOR: CERTAIN ALKYLENE DIAMINE-SUBSTITUTED HETEROCYCLES

TRANSMITTAL LETTER: 104 PAGES OF SPECIFICATION: 104 PAGES OF
CLAIMS: 2 PAGE OF ABSTRACT: SEQUENCE LISTING: DECLARATION AND
POWER OF ATTORNEY: PRELIMINARY AMENDMENT: INFORMATION
DISCLOSURE STATEMENT: FORM PTO-1449: \$770.00 (FILING FEE) (CHECK
ENCLOSED).

APPLN. SERIAL NO. _____

APPLN. FILED _____

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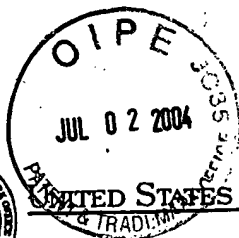
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UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/705,446	11/10/2003	Raymond F. Horvath	U 014881-6

CONFIRMATION NO. 4873

FORMALITIES LETTER



OC000000012622342

00140

LADAS & PARRY
 26 WEST 61ST STREET
 NEW YORK, NY 10023

Date Mailed: 05/13/2004

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The following item(s) appear to have been omitted from the application:

- Page(s) 104 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.


Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
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P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY